

## REMARKS

### INTRODUCTION

Claims 2-20 were previously pending and under consideration.

Claims 21-26 are added herein.

Therefore, claims 2-26 are now pending and under consideration.

Claims 2-20 are rejected.

Claims 2, 4-9, 12, 13, 16, 17, 19 and 20 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

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### REJECTIONS UNDER 35 USC § 103

In the Office Action, claims 2-20 were rejected under 35 U.S.C. § 103 as obvious over Ryan in view of Gaffaney. This rejection is traversed and reconsideration is requested.

Regarding the following arguments concerning the prior art rejections, even if new grounds of rejection are found, it is respectfully noted that "[t]he examiner must, however, address any arguments presented by the applicant which are still relevant to any references [still] being applied" (MPEP § 707.07(f)). Applicant respectfully requests a response to each of the following arguments that may remain relevant with respect to Ryan, Gaffaney, or any other reference cited for similar reasons.

### REVIEW OF PRIOR ART COMBINATION

Ryan discusses a system for updating an internet search engine database based on multiple users' selection of search results. Ryan counts, at a server, the number of times a URL is accessed after keyword search results have been sent to browsers.

Gaffaney discusses a system for detecting network problem events and taking action when events surpass a threshold timespan. Detection occurs without counting events by comparing the difference between a time of a current new event and the time of a prior event

timestamp. If the difference is less than the preset threshold, then an error is detected. Rather than counting events, Gaffaney maintains a fixed-length timestamp buffer which stores a moving window of event time stamps. After the fixed-length buffer is initially filled, Gaffaney always stores the same number of event time stamps even as new event time stamps are generated.

Although the combining of Ryan with Gaffaney is traversed by Applicant, the combination, if assumed for discussion, is a system that stores global URL access counts at a server (Ryan) and sends alert messages to an operator's console when a new URL access falls within a threshold timespan (Gaffaney). As discussed below, the combination does not disclose: (a) relevant features of a viewer or browser; (b) counting displays of an image accessed by a URL and comparing the count to a threshold; or (c) setting an importance degree mark to be displayed for the associated URL.

-----RYAN DOES NOT DISCLOSE RELEVANT VIEWER FEATURES-----

Claim 2, recites features of "A viewer to display images on a display unit", including, storing counts of the number of times that accessed URLs are displayed, and "setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any image accessed by the associated URL exceeds one of the corresponding stored threshold values associated with the image".

The rejection compares the URL/image counting feature of claim 2 to the URL counting of Ryan. However, Ryan discusses "data items stored on a server computer ..." (claim 1), where the URL table 188 is clearly maintained by a search engine server. Nothing in Ryan indicates that the search engine server is "A viewer to display images on a display unit". In contrast, the features cited in Ryan are back-end features that do not display images. Any displaying of images occurs at user site/computers 100A-D (Figure 1B), and these user sites are not cited as having a management note, importance degree unit etc. Furthermore, the URL count in Ryan is global, not counting displays by a given viewer or browser.

Although not cited as the primary reference, Gaffaney discloses an event-monitoring network management control program 3 running on an S/390 host, that communicates with a separate terminal 6 (Figure 1). The host and control program, situated on a network server/host to receive network-wide events, are not a browser, terminal running a browser, a viewer to

display images, etc. In fact, the monitoring device and program of Gaffaney are distinctly separate from the user terminal 6.

The rejection of claims 4-9 referred to column 5, lines 34-38 of Ryan as disclosing "the viewer is a browser". However, his portion discusses a server receiving URLs from developers. Again, nothing in Ryan suggests that the features cited in Ryan (URL counting, etc.) occur anywhere other than at the search engine. Claim 12 recites a "browser" with an automatic registration control unit. Any registration in Ryan occurs at a search engine and, for URLs, URL counting is cumulative or global for all users ("cumulative number of times the URL has been visited" by all users, col. 11, lines 60-64, and also Table 2). The display count of claim 12, and possibly other claims, is the number of times the viewer/browser has displayed the accessed image of the URL.

Claim 13 recites "A viewing method performed at a terminal for running a browser, the browser to display Web pages on a display unit of the terminal, the Web pages having associated URLs". Ryan does not discuss terminal or browser functionality. Claim 16 recites "A display method for displaying an image on a display unit". Claim 19 recites "A browser to display a Web page on a display unit, the Web page being accessed via the Internet by an associated URL, the browser comprising" a definition management note, an importance degree control unit, etc.

Withdrawal of the rejection is respectfully requested.

#### COUNTING DISPLAYS OF IMAGE ACCESSED BY URL AND COMPARING COUNT TO THRESHOLD

Claim 2, for example, recites "setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any image accessed by the associated URL exceeds the corresponding stored threshold value associated with the image".

The rejection cites Gaffaney as providing this feature by way of detecting network event thresholds. However, Gaffaney explains in its background discussion that network error detection is concerned with error rates and bursts of errors, not a gross count of errors ("determine whether a threshold has been reached regarding the frequency [of a] problem within

a specified time period allows ... complex decisions", col. 1, lines 24-28). Gaffaney explicitly states that it intends to provide a "system or method for determining whether a specified threshold condition has been reached without the use of ... counters", and also "detecting a threshold does not require the use of ... counters ... to determine when a threshold condition has occurred" (col. 2, lines 15-18 and 37-40). Gaffaney does not count events, and even if it did, it clearly does not use a count to determine whether a threshold has been exceeded. Gaffaney contradicts the rejection's assertion that Gaffaney discloses using a count or counter to determine whether a threshold is exceeded. See col. 4, lines 64-86, stating that "this invention ... provides a *moving window*", not a count, to determine whether a threshold condition occurs.

Claim 13 recites acting "when the counted number of times exceeds one of threshold values associated with the URL". Claim 16 recites "comparing the number of times of display of the image accessed by the associated URL with a threshold number associated with the associated URL". Claim 19 recites "when the counted number of times of display of any Web page accessed by the associated URL exceeds one of the corresponding stored threshold values associated with the associated URL".

Withdrawal of the rejection is respectfully requested.

#### SETTING AN IMPORTANCE DEGREE MARK TO BE DISPLAYED FOR THE ASSOCIATED URL

Claim 2, for example, recites "setting an importance degree mark to be displayed for the associated URL" when the counted number of times of display exceeds a stored threshold value of the associated image. A "mark" has been characterized as a "sign, indication" (Webster's Dictionary).

In other words, a mark (sign or indication) is set and displayed for a URL when a count threshold occurs. Neither cited reference discusses or suggests a displayed sign or indication of degree of importance that is displayed for the associated URL. The rejection states that Gaffaney shows "setting a mark when a count exceeds a threshold value". However, Gaffaney does not generate marks for display for a URL. Gaffaney merely generates alert messages without further explanation of how they are visually displayed.

This feature also reflects a fundamental difference of the present claims over the cited combination. A viewer, browser, terminal, etc. having or using features according to the claims discussed above can visually mark a degree or importance for a URL based on counted displays of images (e.g. pages) corresponding to the URL. The prior art combination only results in a system that issues alerts to an operator when a URL hit rate at a server exceeds a timespan or frequency threshold.

Withdrawal of the rejection is respectfully requested.

#### PRIMA FACIE CASE OF OBVIOUSNESS NOT MET: IMPROPER COMBINATION

One basis for combining the prior references was the assumption that Gaffaney discloses "setting a mark when a count exceeds a threshold value". However, as shown above, Gaffaney does not detect a count exceeding a threshold. The count link between Gaffaney and Ryan does not exist and therefore this reason for their combination is not valid.

The combination is also incorrect because the motive to combine is too general. See, e.g., In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"). MPEP § 2144.08 states that "[w]here applicable, the [Examiner's] findings should clearly articulate which portions of the *reference* [not combination] support any rejection. Explicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection ... Conclusory statements of similarity or motivation, without any articulated rationale or evidentiary support, do not constitute sufficient factual findings." Furthermore, Ex parte Obukowicz, 27 USPQ 2d 1063, 1065 (B.P.A.I. 1992) states that "The examiner can satisfy this burden [of showing obviousness] only by showing some objective teaching in the prior art ... *would lead that individual to combine* the relevant teachings of the references."

The rejection reasons that the combination is obvious "because it would provide convenient access to identifying information" (Office Action, page 3, bottom). If this over-general rationale leads to obviousness, then *any* invention that improves identification of information is

obvious. However, this is not the case. The motive is not specific as required.

Withdrawal of the rejection is respectfully requested.

Furthermore, the prior art references are non-analogous and incompatible. The Ryan reference relates to web technology and web search engines. The Gaffaney reference relates to network event monitoring. Gaffaney monitors networking events such as failure of a network device, resource failure, system component failure, link or modem failures, etc. The network-level events in Gaffaney can occur independently of application-level URL activity. One skilled in the art of web technology generally does not look to low-level networking technology (e.g. Gaffaney) to improve high-level web servers or search engines (e.g. Ryan).

Withdrawal of the rejection is respectfully requested.

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## **DEPENDENT CLAIMS**

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 6 recites "a number of times of display of associated Web pages is indicated by a density of color, or by enhancing characters or images being displayed within the associated Web page". An alert message does not enhance characters. This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

## **NEW CLAIMS**

New claims 21-24 have been added to clarify an aspect of the present invention in which a process performed by a browser or a terminal hosting the browser displays an activatable indicia of a URL (e.g. a hyperlink in a displayed web page) with different visual emphases after the URL has been repeatedly accessed-and-displayed at later times. Claim 25 has been added to clarify that the appearance of a user-activatable URL changes with increasing access-and-displays thereof. These and other features are not disclosed in the prior art.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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